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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,597	10/03/2006	Jiangang Zhang	CNO40008	1439
24737 7590 04/28/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
ALPHONSE, FRITZ				
ART UNIT		PAPER NUMBER		
2112				
MAIL DATE		DELIVERY MODE		
04/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,597

Applicant(s)

ZHANG ET AL.

Examiner

FRITZ ALPHONSE

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 10/09/2007
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in regard to the Preliminary Amendment filed on 10/03/2006. Claims 1-20 were presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The Information Disclosure Statement (IDS) submitted on 10/09/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Oath/Declaration

4. The Oath/Declaration filed on 10/03/2006 is accepted.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phrasing often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

6. Claim 9 is objected to because of the following informalities: the word "down-load" should be ---download---. Appropriate correction is required.

7. Claims 1, 11 are objected to because of the following informalities: the limitation “the type of error” recited in line 3 of claim 1 and “the type of the original error” recited in line 10 of claim 11 should be ---a type of error--- in claim 1, and ---a type of the original error--- in claim 11. Appropriate correction is required.
8. Claim 11 is objected to because of the following informalities: the phrase “the original content” recited in line 3 should be ---an original content---. Appropriate correction is required.
9. Claim 19 is objected to because of the following informalities: the limitation “the corrected content” recited in line 10 should be ---a corrected content---. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 6, 7, 8, 11, 12, 14, 15, 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Particularly, as to claims 6, 7, 8, 11, 12, 14, 15, 20, the limitation “original decoding manner” or “new decoding manner” recited in the claims has nowhere been disclosed in the specification.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 as being directed to method steps which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter.

Specifically, as to claim 1, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, “(a) determining the type of error from the error; (b) sending a download request for downloading corresponding error correcting information according to the type of error; (c) receiving the error correcting information; and (d) correcting the errors using the error correcting information.” can be practiced mentally in conjunction with pen and paper. The claimed steps do not define a machine or computer implemented process (See MPEP § 2106). Therefore, the claimed invention is directed to non-statutory subject matter.

In addition, as to claim 9, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, “receiving a download request corresponding to the error; determining whether the error correcting information corresponding to the download request exists; obtaining a new error correcting information if the error correcting information corresponding to the download request does not exist; and sending the error correcting information corresponding to the down-load request.” can be practiced mentally in conjunction with pen and paper. The claimed steps do not define a machine or computer implemented

process (See MPEP § 2106). Therefore, the claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joo (U.S. Pat. No. 5,974,583) in view of Casagrande (U.S. Pat. No. 6,049,892).

As to claim 16, Joo (figs. 2-5) discloses an error correcting apparatus for correcting an error in content (col. 1, lines 8-10; col. 10, lines 8-9), including: a controlling means (fig. 5; Determination controller 150), a receiving means (160), wherein the controlling means (150) is used to determine a type of error and to correct the error with error correcting information received by the receiving means (fig. 2; col. 11, lines 16-30; col. 5, lines 36-52; where Joo discloses coefficient of error an error-location polynomial for determining type of error); and the receiving means (160) is used to receive the error correcting information (col. 12, lines 7-16, where Loo discloses error location calculating ROM 154 receives double-error correction in error correcting unit 160).

Joo does not explicitly disclose a sending means is used to send a download request for downloading the respective error correcting information according to the type of error.

However, in the same field of endeavor, Casagrande discloses a process and apparatus for downloading data from a server computer to a client computer including a sending means is used to send a download request for downloading the respective error correcting information according to the type of error (col. 4, lines 19-29).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to improve upon the apparatus for downloading data, as disclosed by Casagrande. Doing so would provide a download process and mechanism that simplifies the download process and improves the likelihood of successful completion of the download.

As to claim 1, Joo (figs. 2-5) discloses a method for correcting an error in content (col. 1, lines 8-10; col. 10, lines 8-9), including: determining the type of error from the error (fig. 2, block 40); receiving the error correcting information (fig. 2, block 36; col. 5, lines 26-31). In addition, Joo teaches correcting the errors using the error correcting information (fig. 2, block 42; col. 2, lines 55-59).

Joo does not explicitly disclose sending a download request for downloading corresponding error correcting information according to the type of error.

However, in the same field of endeavor, Casagrande discloses a process and apparatus for downloading data from a server computer to a client computer including a sending means is used to send a download request for downloading the respective error correcting information according to the type of error (col. 4, lines 19-29).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to improve upon the apparatus for downloading data, as disclosed by

Casagrande. Doing so would provide a download process and mechanism that simplifies the download process and improves the likelihood of successful completion of the download.

As to claim 9, Joo (figs. 2-5) discloses a method for correcting an error in content by a supplier supplying error correcting information by a supplier (col. 1, lines 8-10; col. 10, lines 8-9), including: receiving a download request corresponding to the error (fig. 2, step 30; col. 4, lines 66 through col. 5 line 7); determining whether the error correcting information corresponding to the download request exists (fig. 2, step 32; col. 5, lines 21-25). Furthermore, Joo teaches obtaining a new error correcting information if the error correcting information corresponding to the download request does not exist (fig. 2, step 36-40, col. 5 lines 26-42).

Joo does not explicitly disclose sending the error correcting information corresponding to the download request. However, the limitations are obvious and well known in the art, as evidenced by Casagrande (col. 4, lines 19-29). See the motivation for the same reason as described in claim 16 above.

15. Claims 2-5, 10-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joo in view of Casagrande as applied to claim 16 above, and further in view of Applicant Admitted Prior Art (APA).

As to claims 17-18, Joo does not explicitly disclose a controlling means comprises a firmware for controlling error correcting; and, wherein the error comprises a physical error type and a logical error type. However, the limitations are obvious and well known in the art, as evidenced by APA (page 2, lines 10-18, lines 19-30).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to incorporate into Joo's device a controlling module comprises a firmware, as disclosed by APA. By doing so, encoding data would be compiled with standard adoption of accurate initiate number and standard video format.

As to claims 2-3, Joo does not explicitly disclose a type of error comprises at least one of a physical error and a logical error; and , wherein the step of determining that a physical error exists in the content if a missed or damaged portion exists in the content. However, the limitations are obvious and well known in the art, as evidenced by APA (page 2, lines 10-18, lines 19-30). See the motivation for the same reason provided in claim 17 above.

As to claims 4-5, Joo does not explicitly disclose a download request is a request for downloading the original content corresponding to the missed or damaged portion, the request comprises a start address of the missed or damaged portion. In addition, Joo does not disclose adding the downloaded original content to the content according to the start address of the missed or damaged portion. However, the limitations are obvious and well known in the art, as evidenced by Casagrande (fig. 6; col. 4, lines 19-29).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to improve upon the apparatus for downloading data, as disclosed by Casagrande. Doing so would provide a download process and mechanism that simplifies the download process and improves the likelihood of successful completion of the download.

As to claims 10-11, the claims have substantially the limitations of claims 2-3; therefore, they are analyzed as previously discussed in claims 2-3 above.

As to claims 12-15, the dependent claims 12-15 included in the statement of rejection but not specifically addressed in the body of the rejection have inherited the deficiencies of the parent claims 9-11 and have not resolved the deficiencies. Therefore, they are rejected based on the same rationale as applied to the parent claim above.

16. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joo and Casagrande in view of Applicant Admitted Prior Art (APA), as applied to claim 2 and further in view of Nishiya (U.S. Pat. No. 5,774,470).

As to claim 6-8, Joo does not explicitly disclose a logical error exists in the content if the content unable to be identified in original decoding manner; and a request comprises the information corresponding to the original decoding manner. However, in the same field of endeavor, Nishiya discloses a digital signal processor, error detection method, wherein new decoding result after correction may be set in the original decoding result (col. 14, lines 48-50).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to improve upon the digital signal processor, as disclosed by Nishiya. Doing so would provide a recording medium reproducer enabling detection of a decoding error from a decoding value (col. 2, lines 59-60).

17. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (APA) in view of Casagrande (U.S. Pat. No. 6,049,892).

As to claim 19, APA (figs. 1-2) discloses a player, including: a reading means (fig. 1, reading module 110) a controlling means (fig. 1, controlling module 112), and a decoding means (fig. 1, decoding module 11), wherein: the reading means (110) is used to read out content (fig. 2, step 211; page 1, lines 16-19); the controlling means (112) is used to determine the presence

of any defect part in the read out content (page 2, lines 5-10), and to add the defect part received by the receiving means from the network to the read content to provide the corrected content (figs. 1-2; page 1 lines 20-28, where APA indicates a program has been received (S217) that reads content and provides the corrected error and prompt the firmware). Furthermore, APA teaches a decoding means (111) is used to decode and play the corrected content (page 2 lines 28 through page 3 line 4).

APA does not explicitly disclose a sending means to control the sending means to send a download request for downloading the respective defect parts.

However, in the same field of endeavor, Casagrande discloses a process and apparatus for downloading data from a server computer to a client computer including a sending means to control the sending means to send a download request for downloading the respective defect parts (col. 4, lines 19-29).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to improve upon the apparatus for downloading data, as disclosed by Casagrande. Doing so would provide a download process and mechanism that simplifies the download process and improves the likelihood of successful completion of the download.

As to claim 20, the dependent claim 20 included in the statement of rejection but not specifically addressed in the body of the rejection have inherited the deficiencies of the parent claim 19 and have not resolved the deficiencies. Therefore, they are rejected based on the same rationale as applied to the parent claim above.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman, can be reached at (571) 272-3644.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3824

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fritz Alphonse/

Examiner, Art Unit 2112

April 27, 2009